

that very often there would be no more than one law enforcement officer patrolling an area the size of the State of Connecticut. So a woman being raped, sexually assaulted, a burglary or a robbery in progress, a violent crime, a gun crime, and a plea and a call, a frantic call, might mean that 3 or 4 hours later—maybe not until the next day would someone in a police car show up to investigate that crime. That is what they have been facing.

On the Standing Rock Indian Reservation, the year before last, the rate of violent crime wasn't double what most Americans experience; it wasn't triple; it wasn't quadruple; it was eight times the national average—eight times the rate of violent crime on the Standing Rock Reservation. There has been some improvement. In 2009 it was simply five times worse than what most Americans experience.

The question is, What can we do about those things? One Bureau of Indian Affairs officer on the Standing Rock Reservation—again, as I indicated, an area the size of the State of Connecticut, with nine law enforcement officers—what he said was: “I felt like I was standing in the middle of a river trying to hold back a flood.” He said they were forced to “triage” rape cases. He said: We only took a rape case if there was a confession; if not, didn't happen. This is not a Third World country. This is in America on Indian reservations.

Last summer, the Department of Justice issued a report to our committee. I am quoting now:

Native gangs are now involved in more violent offenses like sexual assault, gang rapes, home invasions, drive-by shootings, beatings, and elder abuse on Indian reservations.

This is on the Pine Ridge Reservation, a photograph that was brought to a hearing I held on increased gang activity on reservations. This is another photo from the same hearing. These are very serious problems.

We have a war on terror and a war on drugs, and all too often across this country, Indian reservations are left to their own, told “you do it,” despite the fact that this country promised to provide law enforcement assistance. This entire system isn't working. It is the courts, the jails, law enforcement—it doesn't work.

That is why, with 22 colleagues, we introduced this legislation and now last night, thankfully, have passed it through the Senate. This does a number of very important things. It forces the BIA to consult with tribal leaders on joint law enforcement.

It says to the U.S. attorneys—by the way, U.S. attorneys are the ones who are relied upon to prosecute felonies on Indian reservations, and all too often it is part of the back room of the U.S. Attorney's Office: You know what, we don't have time; we are not going to do it. The declination rate—that means declining to prosecute—the declination rate for murders is 50 percent, according to Department of Justice informa-

tion we received in the committee. The declination rate, that is, declining to prosecute, for rape and sexual assault is 70 percent. So 70 percent of the time, they don't prosecute because they are working on something else. It is on an Indian reservation. Hard to investigate, they say. Well, this legislation will change that.

This legislation will add the necessary tools to enable tribal governments to better fight crime locally. It will give police improved access to national criminal databases. Judges on reservations will have added authority to sentence violent offenders in tribal courts. Can you imagine that judges in tribal courts, under current law, can sentence to no more than 1 year for an Indian offender? No more than 1 year. Rape, murder, armed robbery—1 year. That is absurd.

The fact is, we have put together a bill that finally offers the tools to strengthen this justice system, that also works to cross-deputize Indian police in the Federal criminal system so that Indian reservations and those who patrol on the reservations can work hand-in-hand with those in the adjacent counties, the county sheriffs, police chiefs, and others.

This bill will reauthorize and improve existing programs designed to strengthen the tribal justice systems, prevent alcohol and substance abuse, which is the No. 1 cause of violence on reservations, and improve opportunities for youth on the reservations.

I am very pleased and proud that we have been able to get this done. We have worked long and hard. If this Congress completes its work having done the Indian Health Care Improvement Act and now the Tribal Law and Order Act, if in one Congress we will have made that kind of stride to address the issue of health care and crime and justice on Indian reservations, we will have done something very significant.

I ask people who think, well, this is just something that is out of sight, out of mind: Go to an Indian reservation and take a look at the condition of the housing. Go visit with the kids in school. I have done that. Go sit around, if you can, with 10 or 12 kids and ask them about their lives. Where do they get hope and inspiration and belief that they can be part of something bigger than themselves, that they can get educated, that they have an opportunity to do whatever they want to do? Where do they get that? The fact is, we have created circumstances, abysmal circumstances and broken promises, and it has lasted for a couple of centuries.

You know, we have been trying now for almost 6 months to get the Cobell settlement through the Senate. The Cobell settlement is a group of plaintiffs who are Indians whose property and land and resources from that land have largely been stolen from them for a couple of hundred years. The Interior Department has been managing the trust of these Indians for well over 100, 150 years.

The other day on the floor of the Senate, I showed a picture of a woman who had six oil wells on her land, and she lived in a little bungalow and never had anything all of her life. Well, why didn't someone who had six oil wells on her land have anything? Because the U.S. Department of the Interior was managing it, and she never got the money. That has been going on for 150 years. And now there is a court action that has gone on for 14 years and finally an agreement to settle the court action, and the judge gave us 30 days in Congress to settle this after it had been agreed to by the Interior Secretary, by the plaintiffs. Finally some justice after 100, 150 years, and the judge has had to extend that deadline now three or four times and we have still not gotten it done. It is in this underlying bill, the one that is being objected to by the minority.

The reason I mentioned that is there are so many injustices in this country to the people who were here first. The first Americans deserve better. The first Americans deserve to have this government keep its promise at long, long last. And this is but one: the providing of law enforcement. How many Americans would like to live in an area where the rate of violent crime is 5 times, 8 times, or 10 times the national average? Well, there are a whole lot of young men and women, young boys and girls, and elders living exactly in those circumstances in this country. And that violence exists every day.

We need to do something about it.

One final point. I have talked to the BIA at great length. There are some things happening right now experimentally to try to move some additional resources into tribal lands to promote greater law and order. It is true on the Standing Rock Reservation and others as well. But the Tribal Law and Order Act, which I have reason to believe will now be passed by the House as well, is a big step forward. We not only negotiated that in the Senate, but we worked very hard with Members of the House as we put this legislation together with their ideas as well. If we do this, we will be able to say this country, at long last, on this issue at least, kept its promise and began the long effort to make sure we are meeting our trust responsibilities to those who were the first Americans.

I thank many of my colleagues who helped us achieve this goal, and end as I began, by saying there is plenty of reason to be concerned about the lack of getting things done in this Chamber, but this is a good piece of legislation. Good news doesn't sell quite as well as bad news these days in our system. I hope all of us will be able to take some satisfaction in doing something that represents the public good for people living in this country who certainly deserve it.

I yield the floor.

CRIMINAL JURISDICTION

Mr. DORGAN. Mr. President, I rise to speak on S. 797, the Tribal Law and